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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/774,626 02/09/2004		02/09/2004	Bert Braune	502902-171	8684	
27799	7590	03/23/2006		EXAM	EXAMINER	
,		I, LIEBERMAN &	PATEL, ASHOK			
551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176				ART UNIT	PAPER NUMBER	
				2879		

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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-	Application No.	Applicant(s)
Office Antique Commence	10/774,626	BRAUNE ET AL.
Office Action Summary	Examiner	Art Unit
	Ashok Patel	2879
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period v - Failure to reply within the set or extended period for reply will, by statute. Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timused the second will expire SIX (6) MONTHS from a cause the application to become ABANDONE	l. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
Status		
 Responsive to communication(s) filed on 18 No. This action is FINAL. Since this application is in condition for allower closed in accordance with the practice under Exercise. 	action is non-final. nce except for formal matters, pro	
Disposition of Claims		
4) Claim(s) 1-7 and 9-13 is/are pending in the appear 4a) Of the above claim(s) is/are withdraw 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-7 and 9-13 are subject to restriction Application Papers 9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) access	wn from consideration. and/or election requirement.	Examiner.
Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct	drawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). sected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	on No ed in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	

Art Unit: 2879

1. Upon review of previous restriction requirement, the Examiner realized that previous Examiner (Mr. Orlander) did not issue a complete restriction requirement. The Examiner therefore issues a revised restriction requirement as follows:

This application contains claims directed to the following patentably distinct species:

Species I: Light-emitting device including LED;

Species II: Light-emitting device including high

pressure discharge Lamp;

Species III: Light-emitting device including excimer

discharge lamp;

Species IV: Light-emitting device including inorganic

luminescent material; and

Species V: Light-emitting device including organic

luminescent material.

2. The species are independent or distinct because limitations of any of these species are not common among each other.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is held generic.

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Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

- 3. A telephone call was made to Thomas Langer on 03/16/2006 to request an oral election to the above restriction requirement, but did not result in an election being made.
- 4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

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- 5. The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.
- 6. Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.
- 7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is (571) 272-2456. The examiner can normally be reached on M-F, 7AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ashok Patel
Primary Examiner
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